

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID**

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

LA.App. No. 116 of 2002(D)

LAR.212/2000 of SUB COURT, KOZHIKODE
.....

APPELLANT/RESPONDENT:

**THE SPECIAL TAHSILDAR, LA, NATIONAL
HIGHWAY, KOZHIKODE.**

BY GOVERNMENT PLEADER SRI. K.V. MANOJKUMAR.

RESPONDENTS/CLAIMANTS:

- 1. H.A.KADEESABI, 1/1076, NEAR KANAKALAYA,
BANK CROSS ROAD, WEST HILL, CALICUT.**
- 2. H.A.IMBICHIPATHUMMA, 1/1076, KANAKALAYA,
BANK CROSS ROAD, WEST HILL, CALICUT.**
- 3. H.A.RAZIYA, 1/1076, KANAKALAYA, BANK
CROSS ROAD, WEST HILL, CALICUT.**
- 4. H.A.SARINA, 1/1076, KANAKALAYA, BANK
CROSS ROAD, WEST HILL, CALICUT.**
- 5. JASMINE, 1/1076, KANAKALAYA, BANK CROSS
ROAD, WEST HILL, CALICUT.**

**BY ADV. SRI. V.V. SURENDRAN
SRI. P.A. HARISH**

**THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY
HEARD ON 03/10/2007, ALONG WITH LAA NO. 176 OF 2002 &
CO NO.26 OF 2003, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

**L.A.A. NO. 116 & 176 OF 2002,
&
CROSS OBJECTION 26 OF 2003 IN
L.A.A. NO. 176 OF 2002**

Dated this the 3rd day of October, 2007.

J U D G M E N T

Kurian Joseph, J.

These are appeals filed by the State against the judgment and decree in L.A.R. Nos. 212/2000 and 246/1998 respectively on the file of Sub Court, Kozhikode, disposed of by a common judgment. The Cross Objection is only with regard to the interest on solatium. The reference court fixed the land value at the rate of Rs. 2 lakhs per cent.

2. In view of the judgment in L.A.A. No. 1137/2000 by which L.A.R. No. 308/1997 has been remitted to the reference court, these appeals are also allowed setting aside the judgment and decree in L.A.R. Nos. 212/2000 and 246/1998 on the file of the Sub Court, Kozhikode, remitting the matters to the reference court to be tried along with L.A.R. No. 308/1997. The cross objection is allowed with a direction to the reference court to grant interest on solatium in view of the decision of the Supreme

Court in **Sunder vs. Union of India** (2001(3) KLT 489).

Since the matters have been remanded, the cross objector shall be entitled to refund of the court fee. Parties will appear before the reference court on 05.11.2007.

**KURIAN JOSEPH
JUDGE**

**HARUN-UL-RASHID
JUDGE**

smp

**KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.**

**L.A.A. NO. 116 OF 2002
&
L.A.A. NO. 176 OF 2002 &
CROSS OBJECTION 26 OF 2003**

J U D G M E N T

03.10.2007